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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,474	03/21/2001	Andrew V. Kadatch	2770	4122

7590

11/13/2003

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EXAMINER
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MAI, RIJUE

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 11/13/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,474

Applicant(s)

Kadtch et al.

Examiner

Rijue Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Oct 1, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-15 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Mar 21, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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### **DETAILED ACTION**

1. Claims 11, 16-21 have been cancelled in response to Restriction requirement. The applicant has elected group I, claims 1-10, 12-15, therefore, claims 1- 10 and 12-15 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourke et al. US pat. 5,509,124 (hereinafter Bourke) .

As per claims 1 and 8 , Bourke teaches a computer-implemented method and system ( see abstract), comprising: disabling interrupts on a computer system, preparing a first set of data for writing ( see col 38, lines 22-33, col 40, lines 48-50); instructing a controller to write data asynchronously to a disk ( see col 22, lines 35-52, col 40, lines 50-59); polling, in intermittent polling operations, a status register to determine when the write to the disk is complete ( see col

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41, lines 14-37, col 42, lines 42-50); while between polling operations, preparing a second set of data for writing( see col 42, lines 60-col 43, line 33).

Referring to claims 2-7, and 9, Bourke further teaches the method and system, wherein preparing the first set of data for writing includes compressing the data ( see col 42, lines 52-54); wherein preparing the first set of data for writing includes segmenting data ( see col 44, lines 1-17); calling at least one driver to obtain information about write limitations of the disk ( see col 24, lines 8-15); reserving at least one special section of memory for preparing the first set of data for writing ( see col 44, lines 61-67); calling a disk driver to obtain information about memory requirements of the driver ( see col 48, lines 57-66); reserving at least one special section of memory for disk driver based on the memory requirements ( see col 49, lines 3-20)

***Allowable Subject Matter***

4. Claims 12-15 are allowed.

5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is the statement of the reasons for the indication of allowable subject matter:

The prior art fails to teach or suggest accessing data including the token comprises a literal symbol, copying the literal symbol into the output buffer without checking whether the symbol will fit into the output buffer ; or if the token comprises a length, offset parsing, copying at least the predetermined number of symbols into the output buffer without checking whether each symbol will fit into the output buffer as claimed in claims 10 and 12-15.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rijue Mai** whose telephone number is (703) 308-7098

The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM, and alternate Friday Eastern Time. The examiner can also be E-mailed at

**Mai.Rijue@uspto.gov**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey Gaffin, can be reached on (703) 308-3301.

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8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

(703) 746-7240, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

EXAMINER

Rijue Mai



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November 12, 2003